

## **MINUTES**

### **November 14, 2006**

The State Board of Registration for Professional Engineers and Land Surveyors met on November 14, 2006, in Conference Room 107 at the office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

#### **BOARD MEMBERS PRESENT:**

E. Charles Vickery, PE - Chairman  
Doris I. Willmer, PE, Vice-Chairperson  
James W. Butler, LS  
Mark E. Chastain, LS  
William W. Dean, PE  
Stephen R. Richards, PE  
Elmo A. Richardson, Jr., PE/LS  
Guy F. Ritter, PE

#### **BOARD MEMBERS ABSENT:**

E. Scott Evans, Public Member

#### **STAFF PRESENT:**

J. Darren Mickler – Board Executive Director  
Julie Busbee – Application Specialist/Board Secretary  
Vivian Stephens – Application Specialist  
Sharon Harrison – Compliance Secretary  
Glendora Grant - Secretary

#### **ATTORNEY GENERAL REPRESENTATIVE:**

Patricia Downing, Senior Assistant Attorney General

#### **GUESTS PRESENT:**

Hardwick Butler, representing Surveying and Mapping Society of Georgia (SAMSOG) and Middle Georgia College  
Roger Purcell, representing SAMSOG and Middle Georgia College  
Robert Armstrong, LS, representing SAMSOG  
Lonnie Sears, representing SAMSOG  
Scott Godfrey, representing Georgia Society of Professional Engineers (GSPE)  
Jerry Kahn, representing GSPE  
Betty Jean Jordan, representing GSPE  
Pat Rhodes, representing GSPE  
Ed Fiegle, representing GSPE  
Tom Leslie, representing GSPE

**Call to order:**

At 9:30 am, Chairman Vickery called the meeting to order and asked for any additions or deletions to the proposed agenda. Mr. Richardson moved to adopt the agenda as presented. Mr. Ritter seconded. Motion carried.

**Approval of Minutes:**

Chairman Vickery presented a draft of the October 3, 2006 minutes and asked for any additions or deletions. Mr. Richardson moved to adopt the minutes as written. Mr. Ritter seconded. Motion carried.

**Professional Societies and Guests:**

Mr. Vickery recognized the guests present: Hardwick Butler, representing Surveying and Mapping Society of Georgia (SAMSOG) and Middle Georgia College; Roger Purcell, representing SAMSOG and Middle Georgia College; Robert Armstrong, LS, representing SAMSOG; Lonnie Sears, representing SAMSOG; Scott Godfrey, representing Georgia Society of Professional Engineers (GSPE); Jerry Kahn, representing GSPE; Betty Jean Jordan, representing GSPE; Pat Rhodes, representing GSPE; Ed Fiegle, representing GSPE; and Tom Leslie representing GSPE.

**Executive Director's Report:**

Mr. Mickler reported that renewal reminder notices were mailed out on October 25, 2006 and the renewal period has started. Online renewals are up and running and licensees are urged to renew before the end of the year.

**Old Business:****Task Force Reports:**

Mr. Leslie reported that the Coalition met Wednesday, November 8. The Coalition had previously met with Karen Handel, Secretary of State-elect prior to the election to inform her about the licensing board needs. She had indicated that she would need 60-90 days after taking office to determine what changes she would make concerning the Professional Licensing Boards Division. The Coalition decided to respect her wishes and wait to push for any legislation until Ms. Handel has a chance to take office and make her plan.

**LS Minimum Technical Standards:**

Mr. Armstrong reported that he had presented a draft of the Land Surveyor Minimum Technical Standards at the October meeting for Board members to review to be amended to the existing Board Rule. Mr. Chastain commented that he had reviewed the draft and would like to discuss through e-mail with Mr. Butler and Mr. Richardson before making final

recommendations. Mr. Chastain and Mr. Butler asked several questions to Mr. Armstrong and Mr. Sears. Mr. Vickery directed Mr. Chastain to chair a committee to review and write an amended Board Rule regarding Minimum Technical Standards to be presented at the December 2006 meeting.

#### **New Business:**

##### **Continuing Professional Competency:**

Chairman Vickery led discussion regarding allowing Professional Development Hours (PDH's) for licensees attending Board Meetings and fulfilling Continuing Education requirements. Mr. Chastain commented that he was reviewing Board Rule 180-11-.04 and 180-11-.03 and would like to change the language in 4(g) to strike "For Professional Engineers Only." Mr. Vickery requested Mr. Dean to chair a study group to review the language of the Board Rules pertaining to Continuing Professional Competency and to present it at the December 2006 meeting.

##### **Request for Late Renewal Fee Waiver:**

Mr. Mickler presented a letter from Larry Creech, PE017943, requesting a waiver of the late renewal fee for the 2005-2006 renewal cycle. Mr. Ritter moved to deny the request. Mr. Richardson seconded. Motion carried.

##### **Request regarding Time Limits for Patents:**

Mr. Ritter presented a letter from Robert Howerton, PE009715, requesting a ruling on the time limit of using patents for Continuing Education credits. After discussion, Mr. Ritter moved to only allow 15 PDH's carried over from the previous renewal cycle and require him to obtain 15 more from the past two years. Ms. Willmer seconded. Motion carried.

##### **Proposed Continuing Education Exemption Policy:**

Ms. Willmer led discussion regarding the Continuing Education waiver clause in O.C.G.A. 43-15-6(b) that allows individuals over the age of 65 who are engaged in the active practice of their profession who have had a valid active license for the previous 25 consecutive years. Due to questions arising from licensees who have more recently been licensed in Georgia through comity registration, but have been licensed in other states for 25 consecutive years, Ms. Willmer will review and write an appropriate policy regarding this issue.

##### **FE Exam Scores to Colleges:**

Mr. Dean requested the staff to send exam score reports to the Georgia universities/colleges. Mr. Mickler reported that ELSSES provides several reports and the Board staff runs an additional report for the colleges. All these reports are currently available to send to the schools.

### **Executive Session:**

**At 10:45 am, Mr. Richardson moved for the Board to enter into Executive Session to deliberate on applications and enforcement matters and to receive information on complaints and investigative reports. Mr. Ritter seconded. Motion carried.**

**The following Board members were present during Executive Session – Chairman Vickery, Mr. Dean, Mr. Butler, Mr. Richards, Mr. Richardson, Ms. Willmer, and Mr. Ritter.**

**Reconvened Open Session at 1:45 pm with the following Board members present - Chairman Vickery, Mr. Dean, Mr. Butler, Mr. Richards, Mr. Richardson, Ms. Willmer, and Mr. Ritter.**

### **Investigations and Complaints:**

PELS0000053 – In regard to language in the October 3, 2006 minutes, Mr. Ritter moved to change the word “Reinstate” to “Reissue” through Consent Order. Ms. Willmer seconded. Motion carried.

PELS070015 – This case involved a Professional Engineer with allegations of fraudulent representation, unprofessional conduct and conflict of interest. Mr. Ritter moved to issue a Consent Order with a Public Reprimand, \$500 penalty and one year probation. Mr. Richardson seconded. Motion carried.

Mr.. Ritter moved to accept the signed Voluntary Cease & Desist Order from Larry Stewart d/b/a Land Waste Solutions, LLC. Ms. Willmer seconded. Motion carried.

PELS050076 – This case is a companion case to PELS050074 and involved a Professional engineer with allegations of assisting unlicensed practice. Mr. Ritter moved to issue a Letter of Concern that in the future, he should provide an independent report under his own letterhead to and not under someone else’s letterhead. Ms. Willmer seconded. Motion carried.

PELS060012 – This case involved a firm who was advertising on the internet with a branch office with no full-time Professional Engineer or Land Surveyor in-house. Mr. Richardson moved to send a letter requiring an engineer and if land surveying is offered, a land surveyor in the branch office and in any future branch office the firm opens, to renew the lapsed Certificates of Authorization for engineering firm and land surveying firm and pay appropriate penalties. Mr. Dean seconded. Motion carried.

Mr. Richardson moved to accept a signed Voluntary Cease & Desist Order from Wesley J. Brackett d/b/a Highland Engineering, Inc. Mr. Dean seconded. Motion carried.

PELS060068 – This case involved an engineering firm with allegations of unlicensed practice. Mr. Ritter moved to issue a Voluntary Cease & Desist Order and issue a Certificate of Authorization with a fine of \$500. Mr. Richards seconded. Motion carried.

PELS060052 – This case was previously closed in July 2006 with a signed Voluntary Cease & Desist Order. New evidence has surfaced that shows the respondent has violated the Voluntary Cease & Desist Order. Mr. Richardson moved to refer the individual to the District Attorneys of appropriate jurisdictions for criminal prosecution. Mr. Richards seconded. Motion carried.

PELS060083 – This case involved an EIT exam candidate (Candidate A) who cheated on the Spring 2006 exam, by copying answers from another candidate (Candidate B.) Mr. Dean moved to invalidate both individuals' exam scores and require candidate A to take and pass an Ethics Course, reapply and appear personally before the Board to request additional offerings, and to allow Candidate B to retake the exam. Mr. Richardson seconded. Motion carried.

### **Board Memo Comity Model Law Applicants:**

Applicants for registration as Professional Engineers by comity, who have an ABET engineering degree, who have taken and passed an 8-hour fundamentals of engineering (EIT/FE) exam, who have a minimum of 48 months post graduation engineering experience as determined by a staff evaluation using the present Board guidelines, who have taken and passed an 8-hour principles and practice of engineering exam (PE Exam-taken at least 4 years after BS degree), and who comply in every way with the provisions of the appropriate law are as follows:

31538 Christian, Jeffrey B.	31539 Curtis, Laura P.	31540 Everett, Andrew W
31541 Melancon, Richie A.	31542 Hodge, Theresa H.	31543 Nickerson, Brian G.
31544 Tyner, Kenneth G.	31545 Ling, Michael B.	31546 Bromberg, Lenor A.
31547 Campbell, Robert G. Jr.	31548 Christy, Charles J	31549 Lawrence, Joshua A.
31550 Nation, Tonia D.	31551 Schoenfeld, Dean W.	31552 Willett, John D. III
31553 Browning, Charles W.	31554 Dean, Michael J.	31555 Fisher, Paul
31556 Jacques, Desir	31557 Miller, Paul E	31558 Shanks, Sean
31559 Trowhill, Alan d.	31560 Broadway, Elizabeth A.	31561 Conrad, David W.
31562 Cooper, Samuel K.	31563 George, Joji M.	31564 Gridley, Juliet A.
31565 Hagen, Lawrence T.	31566 Lubbehusen, Michael E.	31567 Melanfant, Michael E.
31568 McNutt, Donald E.	31569 Moriarty, Andrew P.	31570 Pineda, C Charles
31571 Toensmeyer, Michael R.	31572 Kirk, Ronald E.	31573 Labo, David E.
31574 McCracken, Laurence W.	31575 Calcara, Jasper B.	31576 Gates, Echo K.
31577 Graham, Eric T.	31578 King, James M.	31579 Tashakkori, Davood
31580 Averette, Mark A.	31581 Hazelwood, Timothy A.	31582 Jackson, Charles D. Jr.
31583 Lewis, Brian E.	31584 Maseda, Joe R.	31585 Metty, Kirk T.
31586 Mokanyk, Matthew t.	31587 Odom, Ronald B.	31588 Schuntur, Robert S.
31589 Sepavich, Dennis M.	31590 Taylor, Terry C.	31591 Ward, Roger C. Jr.
31592 Williams, Matthew J.	31593 Wood, Jeffrey S.	31594 Yocum, Gary A.
31595 Parks, Andrew B.	31596 Wadding, Roy A.	31597 Gilman, Joshua B.

Motion was made by Mr. Dean to approve these applicants for PE registration by comity @ 43-15-16(a), via 43-15-8(1) and 43-15-9(1). The motion was seconded by Ms. Willmer. The motion carried.

### **Regular Applicants for Certification as an Engineer-In-Training by Exam:**

Applicants for certification as an Engineers-in-Training by examination whose degrees were earned in engineering or engineering technology programs which attained ABET/CAB accreditation within two years of their having received their degrees, who have filed with the Board five acceptable references, who have had no convictions for moral turpitude or substantive reasons, and who comply in every way with the provisions of the appropriate law(s), are as follows:

Adhyaru, Manan Bipin	Desai, Nimir N.	Esmail, Imran D.
Gilley, Kimberly Brice Joycelyn	Hagler, Gayle S W (Willis)	Keller, Johnna S.
Trinidad, Julio E.		

Motion was made by Mr. Richardson to approve these applicants for EIT certification @ 43-15-8(1) or 43-15-8(2). The motion was seconded by Mr. Ritter. The motion carried.

### **Senior Applicants for certification as an Engineers -in-Training by examination:**

Applicants for certification as an Engineers-in-Training by examination who are currently enrolled as seniors in ABET approved programs in schools, colleges or universities in Georgia, who have filed with the Board five acceptable references, who have had no convictions for moral turpitude or other substantive reasons, and in every way comply with the provisions of the appropriate law(s) are as follows:

#### **UNIVERSITY OF GEORGIA**

Cashwell, Kevin James	Damaraju, Sita M.	Johnson, Brandon Russell
Kalinski, William Alexander	Kanitz, Justin Andrew	Maxey, Elizabeth Ann
Miller, Marcus Mathew	Rish, Hollis Wyatt	Roberts, Craig Alan
Sanchez, Delia	Sheppard, Stuart Austin	Slaughter, Robert Cade
Stukes, George McKnight O.	Lindsey, Miranda Venable	Webb, Kyle Watson
Whitehead, Andrew Thomas		

Motion was made by Mr. Dean to approve these applicants for EIT certification @ 43-15-8(1) or 43-15-8(2). The motion was seconded by Mr. Ritter. The motion carried.

### **Reinstatements:**

Mr. Ritter moved to reinstate the license of Steven Frank Jones, PE013175. Mr. Dean seconded. Motion carried.

Mr. Dean moved to reinstate the license of Dan Wilcox, LS001815. Mr. Richardson seconded. Motion carried.

Mr. Richardson moved to reinstate the license of Elio F. Arniella Machado, PE013049. Mr. Dean seconded. Motion carried.

Mr. Dean moved to reinstate the license of Clyde W. Troulias, PE022457. Mr. Ritter seconded. Motion carried.

Ms. Willmer moved to reinstate the license of Duane Boice, PE020286. Mr. Richardson seconded. Motion carried.

Ms. Willmer moved to reinstate the license of Donald W. Francis, PE010523. Mr. Dean seconded. Motion carried.

Ms. Willmer moved to reinstate the license of Robert G. Burgin, PE013077. Mr. Richardson seconded. Motion carried.

**At 2:55 pm, Mr. Dean moved for the Board to enter into Executive Session to deliberate on applications and enforcement matters and to receive information on complaints and investigative reports. Mr. Richardson seconded. Motion carried.**

**The following Board members were present during Executive Session – Chairman Vickery, Mr. Dean, Mr. Butler, Mr. Richards, Mr. Richardson, and Ms. Willmer.**

**Reconvened Open Session at 3:05 pm with the following Board members present - Chairman Vickery, Mr. Dean, Mr. Butler, Mr. Richards, Mr. Richardson, and Ms. Willmer.**

#### **Proposed Partial Schedule for 2007:**

Mr. Mickler proposed a partial schedule for 2007 as follows:

January 23, 2007  
February 13, 2007  
March 13, 2007

After general discussion, the Board approved these dates.

There being no further business, at 3:05 pm, Mr. Dean moved to adjourn. Ms. Willmer seconded. Motion carried. Some Board members remained to review applications until they were finished.

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Board Chairman

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Executive Director

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These minutes were approved at the December 12, 2006 meeting.